



Waterford Township Free Public Library

Received & Inspected

JUN 18 2008

FCC Mail Room

June 6, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington DC 20554

02-6

Re: Appeal from USAC Determination

Applicant Name: Waterford Township Free Public Library

Billed Entity Number: 123156

Form 471 Application Number: 609504

Funding Request Numbers: 1764521; 1764522

Administrator's Decision Date: May 29, 2008

Dear Ms Secretary,

On behalf of the Waterford Township Free Public Library, I hereby appeal the May 29, 2008 denial by the USAC for our funding year 2008, Form 471, postmarked outside window for the above referenced application number. The Waterford Township Free Public Library is a small municipal library. We appreciate the funding for the telephone discounts that have been granted our community for over ten years.

The basis of our appeal is our reliance upon misinformation provided by the USAC representatives.

In January, I went online to submit the library's Form 471 for funding for 2008. This was before the "open window" application period, and the computer program would not allow me to proceed with the application. I was scheduled to be away from my office on vacation and not available to submit Form 471 during the

limited time period. Concerned, I telephoned USAC and spoke with more than one representative. They advised me to submit the application upon my return after the filing window closed. They also advised me that I would probably have to submit an appeal request explaining my circumstances, but they did not see that as a problem. I believed I was entitled to rely upon USAC advice.

Upon my return, I submitted our Form 471 application which was postmarked on 2/11/08. The application was denied as untimely. As advised before, I appealed this determination to USAC, but by letter dated May 29, 2008, our appeal was denied. Consequently, I hereby appeal the USAC determination to the Federal Communication Commission. I don't dispute that Form 471 was postmarked outside the filing window. I realized that back in January, when I called USAC and informed them of this situation and sought their help and advice before the problem occurred.

The mistaken information provided by USAC personnel caused a result contrary to the policy and purpose of the funding program. Having provided mistaken information USAC, caused our loss of funding. Accordingly, in the interests of fairness and due process, USAC should restore the funding.

Your favorable consideration of our appeal is requested. Copies of related correspondence are enclosed herewith.

Respectfully yours,

Eva K. Lynch  
Director

EKL/jr



Waterford Township Free Public Library

May 9, 2008

USAC  
Schools and Libraries Division Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

RE: Funding year 2008 Form 471 Postmarked outside of window letter

Dear Sir/Madam:

This letter is an appeal as to our Form 471 application which was postmarked on 2/11/08.

Since I was going to be away while the filing window would open and I was not returning until after it closed on 2/7/08, I called USAC and explained the problem. They told me to file it when I returned which I did.

I would appreciate a resolution to this problem.

Thank you for your cooperation.

Sincerely,

Eva K. Lynch  
Director

Applicant form Identifier: WTPL  
Form 471 Application Number: 609504  
Appellant Name: Eva K. Lynch  
Applicant: Waterford Twp. Public Library



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2008-2009**

May 29, 2008

Eva K. Lynch  
Waterford Township Free Public Library  
2204 Atco Avenue  
Atco, NJ 08004

Re: Applicant Name: WATERFORD TOWNSHIP PUB LIBRARY  
Billed Entity Number: 123156  
Form 471 Application Number: 609504  
Funding Request Number(s): 1764521, 1764522  
Your Correspondence Dated: May 09, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1764521, 1764522  
Decision on Appeal: **Denied**  
Explanation:

- A thorough review of your appeal and the relevant facts shows that you postmarked the Form 471 application on February 11, 2008, which is outside of the application filing window. For Funding Year 2008, in order to be considered for funding, Form 471 applications had to be postmarked no later than 11:59 pm (EST) on February 7, 2008. You have failed to demonstrate that the FCC Form 471 Application was filed timely. Consequently, your appeal is denied.
- The FCC requires completed FCC Form 471 applications and certifications to be postmarked by the final date of the filing window for the relevant funding year for the application in order to be considered timely filed. *See Request for Review by Alpine County Unified School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange*

Carrier Association, Inc., File no. NEC.471.01-24-00.5400004, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4 (rel. Jan. 14, 2002).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company